

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

CUMBERLAND TRUST AND)
INVESTMENT COMPANY,)
as next friend and trustee of THE GILBERTO)
KELLY LOPEZ IRREVOCABLE TRUST,)

Plaintiff,)
)
)

v.)

GENESIS LEARNING CENTERS,)

Defendant.)

Case No. 3:07-0799

Judge Echols

VERDICT FORM

We, the jury, unanimously find as follows:

Liability Under Title IX Claim

1. Did the Plaintiff prove by a preponderance of the evidence that Defendant Genesis Learning Centers violated Gilberto Lopez's rights under Title IX of the Education Amendments Act of 1972, 20 U.S.C. § 1681, which proximately caused harm or injury to Gilberto Lopez?

_____ Yes

☒ No

Intentional Act Defense

2. Did the Defendant Genesis Learning Centers prove by a preponderance of the evidence that Kolby Harris's intentional act was the sole and proximate cause of the May 7, 2007 incident on the bus and that this incident was unforeseeable by Genesis Learning Centers?

☒ Yes

_____ No

If you answered "Yes" to question 1 and question 2, please proceed to question 4. If you answered "No" to question 2, please proceed to question 3.

Liability Under Negligence Claim

3. Did the Plaintiff prove by a preponderance of the evidence that Defendant Genesis Learning Centers was negligent in relation to the May 7, 2007 incident and that said negligence proximately caused harm or injury to Gilberto Lopez?

_____ Yes

_____ No

(a) If your answer is "Yes" to question 3, what share of fault, totaling 100%, do you find lies with each of the following persons or entities, if any:

Genesis Learning Centers _____%

Metropolitan Nashville
Public Schools _____%

Terrilyn Harris _____%

TOTAL _____ 100 %

(b) If you answered "Yes" to question number 3 and you have assigned fault to Genesis Learning Centers for its negligence, has Plaintiff proven by clear and convincing evidence that it is entitled to an award of punitive damages due to Genesis Learning Centers' reckless conduct?

_____ Yes

_____ No

Damages

4. If you answered "Yes" to question 1 or question 3 or both, what is the total amount of damages, if any, Plaintiff is entitled to recover for the injuries suffered by Gilberto Lopez as a result of the May 7, 2007 incident?

Medical/residential expenses	Past \$ _____
	Future \$ _____
Physical pain and suffering	Past \$ _____
	Future \$ _____
Mental or emotional pain and suffering	Past \$ _____
	Future \$ _____
Loss of capacity for enjoyment of life	Past \$ _____
	Future \$ _____
TOTAL	\$ _____

After you have answered the foregoing questions, have your foreperson sign and date this Verdict Form and notify the Court Security Officer that you have reached a verdict.

Date

3/12/2010